

## Message Text

CONFIDENTIAL

PAGE 01 USBERL 00294 271646Z  
ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00  
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05  
PA-01 PRS-01 SP-02 SS-15 IO-13 SAJ-01 ACDA-07 /073 W  
-----271647Z 069903 /53

O 271600Z JAN 77  
FM USMISSION USBERLIN  
TO AMEMBASSY BONN IMMEDIATE  
INFO SECSTATE WASHDC IMMEDIATE 3907  
AMEMBSSSY BERLIN UNN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS  
USMISSION USNATO

C O N F I D E N T I A L USBERLIN 0294

E.O.11652: GDS  
TAGS: PFOR, PGOV, WB GE GW UR  
SUBJECT: EAST BERLIN VERORDNUNGSBLATT PROCEDURE

REFS: USBERLIN 263 AND PREVIOUS

SUMMARY:  
BRITISH MISSION ALSO INTERPRETS JANUARY 25  
ARTICLE IN NEUES DEUTSCHLAND AS INDICATING THAT GDR  
AND SOVIETS HAVE MOVED MUCH CLOSER TO COMMITTING THEM-  
SELVES TO DO AWAY WITH VERORDNUNGSBLATT AND THEREBY  
WITH PROCEDURE BY WHICH GDR LAWS APPLY IN EAST BERLIN  
ONLY AFTER BEING TAKEN OVERBY EAST BERLIN CITY ASSEMBLY.  
BRITISH HAVE SUGGESTED AN EARLY APPROACH BY CHAIRMAN  
POLAD TO SOVIET EMBASSY COUNCELLOR KHOTULEV AS FOLLOW-  
UP TO BRITISH AMBASSADOR'S DISCUSSION WITH ABRASIMOV  
JANUARY 19. WE RECOMMEND BONN GROUP APPROVAL OF THIS  
APPROACH AND SUGGEST THAT IT BE TOUGHENED SLIGHTLY  
IN LINE OUR RECOMMENDATION REFTEL. END  
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 00294 271646Z

SUMMARY.

1. FOLLOWING IS TEXT WHICH BRITISH HAVE SUGGESTED  
BE USED BY CHAIRMAN POLAD WITH KHOTULEV:  
BEGIN TEXT: THE SOVIET AUTHORITIES ARE ALREADY AWARE  
OF THE CONCERN EXPRESSED BY THE GOVERNMENTS OF FRANCE,  
THE UNITED KINGDOM AND THE UNITED STATES REGARDING

REPORTS THAT THE VERORDNUNGSBLATT FUER GROSS BERLIN HAS CEASED PUBLICATION. SUCH REPORTS IMPLY THAT THE GOVERNMENT OF THE GDR WILL, IN FUTURE, REGARD ITS LAWS AS APPLYING AUTOMATICALLY IN THE SOVIET SECTOR OF BERLIN WITHOUT ANY FURTHER PROCEDURE FOR TAKING THEM OVER. AS THE SOVIET AUTHORITIES ARE AWARE, SUCH A PROCEDURE HAS EXISTED FOR NEARLY 30 YEARS. IT IS AN IMPORTANT ASPECT OF THE QUADRIpartite STATUS OF GREATER BERLIN AND THUS REPRESENTS ONE OF THE UNDERLYING ASSUMPTIONS ON WHICH THE QA IS BASED. THE THREE WESTERN ALLIES WOULD THEREFORE VIEW WITH THE UTMOST SERIOUSNESS ANY CHANGE IN THE EXISTING PROCEDURE. ALL FOUR POWERS ARE JOINTLY RESPONSIBLE FOR MAINTAINING THE QUADRIpartite STATUS OF GREATER BERLIN AND THE THREE WESTERN ALLIES HOLD THE SOVIET AUTHORITIES RESPONSIBLE FOR ENSURING THAT THE GDR AUTHORITIES TAKE NO ACTION WHICH PRUPTS TO CHANGE UNILATERALLY THE STATUS OF THE SOVIET SECTOR. NO CLEAR AND AUTHORITATIVE STATEMENT HAS YET BEEN MADE REGARDIN THE ENDING OF THE EXISTING PROCEDURE. BEARING IN MIND THE RESPONSIBILITY OF THE SOVIET UNION FOR PRESERVING THE QUADRIpartite STATUS OF BERLIN, OUR THREE GOVERNMENTS NOW SEEK THE POSITIVE ASSURANCE OF THE SOVIET AUTHORITIES THAT THERE WILL BE NO CHANE IN THE EXISTING PROCEDURE INCLUDING PUBLICATION IN THE VERORDNUNGSBLATT OF GDR LEGISLATION WHICH IS TAKEN OVER IN THE SOVIET SECTOR. IN THE ABSENCE OF SUCH AN ASSURANCE OUR THREE GOVERNEMTNS WILL BE OBLIGED TO ASSUME THAT THE EXISTING PROCEDURE HAS CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 00294 271646Z

BEEN ENDED. ALTHOUGH SUCH A STEP WOULD IN NO WAY AFFECT THE STATUS OF GREATER BERLIN IT WOULD AMOUNT TO A CLEAR BREACH OF QUADRIpartite AGREEMENTS REGARDING SUCH STATUS. END TEXT.

2. WE HAVE RESPONDED THAT WE WOULD RECOMMEND APPROVAL OF THIS TEXT BY BONN GROUP WITH REVISION OF FINAL SENTENCE TO READ : " ALTHOUGH SUCH A STEP WOULD IN NO WAY AFFECT THE STATUS OF GREATER BERLIN IT WOULD AMOUNT OT A CLEAR BREACH OF QUADRIpartite AGREEMENTS REGARDIN SUCH STATUS AND WOULD REQUIRE THE ALLIED AUTHORITIES TO CONSIDER TAKING APPROPRIATE STEPS IN RESPONSE." WE EXPLAIN THAT WE THOUGHT SUCH A MODIFICATION WAS NECESSARY SO THAT OUR APPROACH WOULD BE SEEN NOT AS MERELY ANOTHER EFFORT TO RESERVE OUR LEGAL POSITION BUT AS A WARNING THAT IF SOVIETS PERSIST IN THIS COURSE THEY AND GDR MUST BE PREPARED TO PAY REAL POLITICAL COSTS.

3. IN VIEW OF TIME CONSIDERATIONS INVOLVED, WE HAVE THOUGHT IT BEST TO FORWARD RECOMMENDATIONS DIRECT TO EMBASSY WITHOUT ATTEMPTING TO COORDINATE A COMPLETE TRIPARTITE POSITION IN BERLIN. FRENCH HAVE NOT YET RESPONDED TO BRITISH PROPOSAL OR SUGGESTED AMENDMENT.

4. BRITISH HAVE ALSO SUGGESTED THAT IF SOVIET REPLY TO CHAIRMAN POLAD APPROACH IS UNSATISFACTORY, ALLIED SHOULD CONSIDER GOING BACK TO SOVIETS AT A HIGHER LEVEL. BRITISH HAVE FURTHER SUGGESTED THAT ALLIES REACH AGREEMENT ON FOLLOWING CONTINGENCY PRESS LINE: BEGIN TEXT: THE ALLIED AUTHORITIES HAVE READ WITH INCREASING CONCERN RECENT REPORTS IMPLYING THAT THE VERORDNUNGSBLATT FUER GROSS BERLIN WILL NO LONGER BE PUBLISHED. THE ALLIES TAKE THE MATTER EXTREMELY SERIOUSLY AND APPROPRIATE STEPS ARE BEING TAKEN TO ENSURE THAT THOSE RESPONSIBLE ARE AWARE OF OUR CONCERN  
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USBERL 00294 271646Z

HOWEVER, NO ACTION WHICH IS NOT SANCTIONED BY THE AGREEMENT OF ALL FOUR POWERS CAN AFFECT THE STATUS OF THE SOVIET SECTOR OF BERLIN. THE SOVIET SECTOR IS SUBJECT TO THE SAME QUADRIpartite REGIME AS THE REST OF GREATER BERLIN." END TEXT.

5. WE HAVE RESPONDED THAT WE AGREE THAT SITUATION IS NOT RIPE AT PRESENT MOMENT FOR ANOTHER PUBLIC STATEMENT. SHOULD WE BE ASKED GENERAL QUESTIONS BY PRESS IN NEXT FEW DAYS, WE CAN CITE NUMBER OF RECENT PUBLIC DECLARATION INCLUDING VICE PRESIDENT MONDALE'S REAFFIRMATION THAT QUADRIpartite STATUS OF BERLIN AS A WHOLE IS ONE OF VITAL INGREDIENTS IN POLITICAL STABILITY OF SITUATION HERE. SHOULD FURTHER DEVELOPMENTS APPEAR TO REQUIRE ANOTHER PRESS STATEMENT, WE WOULD HAVE TO CONSIDER HOW MUCH MORE SPECIFIC WE SHOULD BE IN LIGHT OF CIRCUMSTANCES INCLUDING BONN GROUP VIEWS ON NATURE OF OUR RESPONSE VIS-A-VIS SOVIETS.

6. BRITISH HAVE ALSO ADVISED US THAT SENAT CONSIDERS THAT INDICATIONS OF WHETHER VERORDNUNGSBLATT IS DEFINITELY DISCONTINUED SHOULD BE FIRMER BY EARLY FEBRUARY. SENAT NOTES THAT THERE WAS A PAUSE IN PUBLICATION IN JANUARY 1974 AND THAT VERORDNUNGSBLATT THEN APPEARED FEBRUARY 5 WITH ANNOUNCEMENT THAT GDR BUDGET LAW, ADOPTED BY VOLKSKAMMER IN DECEMBER 1973, HAD BEEN TAKEN OVER IN EAST BERLIN.

7. OUR RESEARCH HAS ALSO UNCOVERED ANOTHER INSTANCE OF WHAT MAY HAVE BEEN A PREVIOUS GDR FALSE START TOWARD DISCONTINUING VERORDNUNGSBLATT. NEW GDR

CONSTITUTION WAS BROUGHT INTO FORCE APRIL 6, 1968.  
THERE WAS SPECULATION AT TIME THAT GDR HAD SOUGHT  
SOVIET APPROVAL TO END PROCEDURE BUT THAT SOVIETS  
EVENTUALLY TOLD THEM PROCEDURE MUST BE MAINTAINED.  
WHEN VERORDNUNGSBLATT REAPPEARED IN JUNE 1968, HOWEVER,  
CONFIDENTIAL

CONFIDENTIAL

PAGE 05 USBERL 00294 271646Z

ITS FORMAT WAS SLIGHTLY CHANGED. INSTEAD OF PUBLISHING  
LAWS AND ORDINANCES IN ONE SECTION AND TREATIES IN A  
SECOND SECTION, LAWS, ORDINANCES AND TREATIES WERE DEALT  
WITH IN SINGLE SECTION AND CITED ONLY BY NAME AND PAGE  
NUMBER OF GDR LAW GAZETTE IN WHICH THEY APPEARED  
INSTEAD OF BEING REPRINTED IN FULL. COINCIDENTALLY  
OR NOT, SPRING 1968 WAS APPARENTLY LAST TIME IDEA OF  
CHANGING MANTELEGESETZ PROCEDURE USED FOR TAKING FRG  
LAWS OVER IN WEST BERLIN WAS UNDER ACTIVE CONSIDERATION  
AMONG ALLIES, SENAT AND FRG.

8. SEPTEL FOLLOWS ON PRELIMINARY GERMAN REACTION TO  
VERORDNUNGSBLATT QUESTION.  
DAVIS

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** BERLIN QUADRIpartite MATTERS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 27-Jan-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977USBERL00294  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770029-1227  
**Format:** TEL  
**From:** USBERLIN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770110/aaaaajcl.tel  
**Line Count:** 195  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** a2aab5cf-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EUR  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 USBERLIN 263  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 02-Feb-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3478915  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** EAST BERLIN VERORDNUNGSBLATT PROCEDURE  
**TAGS:** PFOR, PGOV, WB, GC, GE, UR  
**To:** BONN  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/a2aab5cf-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009